


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

JUN 12 2013

JAMES W. McCORMACK, CLERK
By: 

Barry G. Aaron

Plaintiff

VS Case# 5:13-00139

Ray Hobbs ET-A1

Defendants

Motion To Amend Complaint

Plaintiff ask this honorable court for permission to file a superseding Amended Complaint.

Plaintiff wishes to remove Defendants Hobbs, Magness and Glover from His defendant list.

Plaintiff has detailed each defendant and shows where they should be a part of this complaint since the are directly involved with the issue on the table.

Plaintiff prays the court grant his amended ~~petition~~ "complaint"

Respectfully Submitted
Barry G. Aaron

**FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
_____ DIVISION**

CASE NO. _____

I. Parties

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

- A. Name of plaintiff: Barry G. Aaron
ADC # 97176
Address: 2501 State Farm Rd. Tucker Ar 72168
Name of plaintiff: _____
ADC # _____
Address: _____
Name of plaintiff: _____
ADC # _____
Address: _____

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

- B. Name of defendant: Dr. Sadeem Mahmood Et-Al
Position: Doctor
Place of employment: St. Vincent Infirmary
Address: 7200 S. Hazel St. Pine Bluff, Ar 71603
Name of defendant: See Submitted Defendant List.
Position: _____
Place of employment: _____

Place of employment: _____

Address: _____

Name of defendant: _____

Position: _____

Place of employment: _____

Address: _____

Name of defendant: _____

Position: _____

Place of employment: _____

Address: _____

II. Are you suing the defendants in:

- ☐ official capacity only
☐ personal capacity only
☒ both official and personal capacity

III. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes X No ____

- B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- ☐ Parties to the previous lawsuit:

Plaintiffs: Berry G. AARON

Defendants: Ray Hobbs ET-AL

- ☐ Docket Number: 5:13-00139
- ☐ Name of judge to whom case was assigned: _____
- ☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) Still pending
- ☐ Approximate date of filing lawsuit: May 8, 2013
- ☐ Approximate date of disposition: N/A

IV. Place of present confinement: Tucker Max

V. At the time of the alleged incident(s), were you:
(check appropriate blank)

_____ in jail and still awaiting trial on pending criminal charges

☒ serving a sentence as a result of a judgment of conviction

_____ in jail for other reasons (e.g., alleged probation violation, etc.)
explain: _____

VI. There is a prisoner grievance procedure in the Arkansas Department of Corrections.
Failure to complete the grievance procedure may affect your case in federal court.

A. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ☒ No _____

B. If your answer is YES, attach copies evidencing completion of the final step of the grievance appeal procedure. FAILURE TO ATTACH THE REQUIRED COPIES MAY RESULT IN THE DISMISSAL OF YOUR COMPLAINT.

C. If your answer is NO, explain why not: The court already
Has the original copies of grievances.

VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I was denied serious medical treatment with callous and deliberate indifference to a serious medical need to correct the symptoms caused by the pace maker installed by Dr. Sadeem Mahmood. The refusal to repair the damage to the devise is cruel and unusual punishment, in violation of the 8th amendment. Defendant Fallhove knew or should have known about my symptoms July 10, 2012 or as soon as she took charge in 2012. Defendant Carswell knew on July 12, 2012 that I was suffering from a pace maker that was shocking me 24-7. Defendant Kelley could have taken charge as early as September 17, 2012, and stopped my suffering. Defendant Babach placed me in a cell with no intercom causing fear that increased the pain and

Suffering, Defendant's Carswell, Kelley,
 and Babach refused to provide proper
 medical care to stop the pain and suffering.
 This is deliberate indifference with
 callous disregard and cruel and unusual
 punishment, a 8th amendment violation.
 Defendant Fallhove could have had
 all my symptoms stopped herself and she
 refused me proper medical care. This
 is deliberate indifference, callous and
 deliberate ~~disregard~~ disregard to a very
 serious medical need that was causing
 damage to my heart. This refusal of
 medical is a 8th amendment violation
 cruel and unusual punishment.
 Defendant's Davis and Wood's conspired
 and Davis did not treat me until ^{January} ~~November~~
~~22, 2013~~ ~~29, 2012~~ and refused me medical treatment
 until March 1, 2013. Her and Wood's actions
 and inaction are a 8th amendment
 violation for forcing me to suffer 243
 days. All Defendants are guilty of violation
 of the 1st, 6th, 8th and 14th Amendment 5.
 "See Statement of the case"

VIII. Relief

State briefly exactly what you want to the court to do for you. Make no legal arguments. Cite no cases or statutes.

1. 3,850,000 dollars in actual compensatory
and punitive damages. 2. Appointment of Counsel.
3. Jury trial. 4. Injunctive relief. 5. Exercise
of pendent jurisdiction. 6. Any and all other
relief entitled to by law for my mental
and physical abuse and suffering.

I declare under the penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this 9 day of June, 2013.

Barry D. Burton
Signature(s) of plaintiff

Plaintiff's
Witness List

1. Sgt. A. Musgrave, A.D.C.
Transportation, Tucker Unit.

2. Sgt. Ricky Williams, A.D.C.
Transportation, Tucker Unit.

3. Sgt Linsey, A.D.C.
Transportation, Pine Bluff, ARK.

4. Sgt. James Sexton, A.D.C.
Security, Hawkins Unit.

5. Mrs Alva Green.
Carlton Infirmary Manager, Tucker
Max Unit.

6. Doctor David Rutten
U.A.M.S. Little Rock, ARK.

7. Doctor Elena Ambragini
U.A.M.S. Little Rock, ARK.

8. Doctor William Rollefson
the Heart Hospital, Little Rock, ARK.

9. Inmate F. Holland 86963
Tucker Max Unit.

Plaintiff's
Submitted Defendant List

1. Doctor Sadeem Mahmood
7200 South Hazel St, Pine Bluff, Ar. 71623
2. Wendy Kelley, Medical Director.
ARK. Department of Corrections
3. Doctor Cynthia Renee Fallhawe.
Carizon medical administrator
Pine Bluff, A.D.C. control office.
4. Doctor Alton Babich.
Carizon medical services, Tucker
Max unit.
5. Doctor Senya Pepper Davis.
Carizon medical services, Tucker
Max unit.
6. Jacqueline Carswell, R.N.P.
Carizon medical services, Tucker
Max unit
7. Carlos Ribado, LPN, Carizon medical
services, Tucker Max unit.

STATEMENT OF THE CASE

Facts

August 1, 2008, I arrived at Tucker Max. I was under medical care for hypertension, asthma Ect.

Approx 3 years and 2 months later I was sent to St. Vincent hospital with chest pains, placed under the care of a doctor employed by St. Vincent infirmary.

Carizon knew or should have known the cardiologist who had treated me prior to this date and being placed in the care of a different doctor who knew nothing of my prior medical condition, by St. Vincent infirmary shows deliberate indifference.

Carizon employees continued to send me to this cardiologist knowing that each time I saw him I received no treatment to stop the suffering this doctor started, which is a 8th amendment violation.

I was placed in a infirmary ward by a carizon doctor and he knew the intercom to be out of order,

leaving no way for me to contact a nurse, causing additional stress to a serious medical condition that is a 8th amendment violation and deliberate indifference.

Grievances were written concerning this and other issues stated in the complaint. No action was taken to solve or correct the things brought to the medical directors attention and this is a 6th, 8th and 14th amendment violation and deliberate indifference to a serious medical need.

The doctor in charge who approves doctor office visits had been made aware of my medical condition and refused to exercise her authority as overseer of Corizon doctors and nurses, to stop the office visits to the doctor who refused to correct a medical condition he created. This is a 8th amendment violation and deliberate indifference to a serious medical need.

I am 58 years old and cannot work or play sports like I could before this surgery.

These conditions have left me in great stress and distress and I fear the defendant's through deliberate indifference and constitutional violations have further damaged my heart and cause a abnormally high blood pressure that has caused a increase in the number of medications used to control my high blood pressure.

These conditions directly to the defendant's fault has shorten my life and neither I nor others should be subjected to this kind of treatment. I was not sentenced to death.

My serious medical condition was ignored for 248 days. This is a 8th amendment violation cruel and unusual punish and wanton infliction of pain, driving me to the point of being insane.

Specific Facts

1. October 6, 2011 I had chest pains and was sent to St. Vincent infirmary. I was treated by Dr. Sadeem Mahmood.
2. The following week in October 2011 I had a heart cath that showed no blockage.
3. The following week Dr. Mahmood sent a 24 hour heart monitor to Tucker Max infirmary for me.
4. Approx. 6 months later the results of this test was sent to Tucker Max infirmary. according to Dr. Mahmood's diagnosis there were life threatening things wrong with my heart.
5. May 24, 2012 I was seen by Dr. Mahmood and I was told I would die without a pace maker.
6. June 9, 2012, I had chest pains and other issues with blood pressure. I was sent to U.A.M.S. and over a span of 3 days put through every kind test known for my heart by Dr. David Putlén and Dr. Elana Ambrogini. These Doctors said my heart was strong and

it needed no assistance from a pace maker.

7. June 13 and 17th, 2012 I jogged and walked 11 miles, 5 1/2 each day and felt great.

8. when I expressed to R.N.P. Carswell that I did not need the pace maker, she told me to not refuse this surgery that would take place soon.

9. June 19, 2012 I went to St. Vincent infirmary where Dr. Mahmood put a two chamber pace maker in me. I was told care instructions and to exercise by walking.

10. July 10, 2012 while walking, I started having rapid heart beats, Shocks and body jerking. I was sent to St. Vincent E.R. while in route EMT had to use the defibrillator to bring my rapid heart beats back to normal.

11. I was placed in the unit infirmary by Dr. Bahich. This doctor knew the intercom was out of order and when I ask to be sent back to my living quarters, Dr. Bahich said he would

hand cuff me to the bed if I refused to go on my own. This caused me to panic and fear for my life. This was deliberate indifference, wanton infliction of pain and cruel and unusual punishment, in violation of the 8th amendment. Grievance #122060

12 July 16, 2012 I was seen by Dr. Mahmood, his electronic tech attempted to stop the shocks and jerks happening to me caused by the pace maker, X rays were done at J.R.M.C. and I was told after I got back to the unit that both leads were in place. My symptoms did not stop and 24 hours later I was released.

13. From July 19, 2012 to July 25, 2012, no matter who I talk to, I received no treatment. I saw Carlos Woods, the sick call nurse, who said he talked to Mrs. Carswell who said my symptoms were normal according to Dr. Mahmood, this action and inaction by both Nurse Woods and Mrs. Carswell shows deliberate indifference and callous disregard to a serious medical need inflicting

more pain and stress, in violation of the 8TH amendment. Grievance # 122099.

14. August 13, 2012 I filed another grievance # 122284 about the nontreatment by Dr. Mahmood and ask to see Dr. Rolletson. All three grievances were answered by Director Kelley on October 17, 2012. Her actions and inaction are a 6TH, 8th and 14TH amendment violation showing deliberate indifference, callous disregard and cruel and unusual punishment by her not taking action to salve the pain and suffering I was experiencing from the pace maker Dr. Mahmood insist nothing was wrong with.

15. August 28, 2012 I ~~was~~ saw Dr. Mahmood for the second time only to receive no treatment for my symptoms in violation of the 8TH amendment, cruel and unusual punishment, Deliberate indifference and wanton infliction of pain.

16. October 18, 2012 I saw Dr. Mahmood the third time only to receive no treatment. The doctor's actions and inactions show deliberate indifference

and callous disregard to a medical problem he caused, in violation of the 8th amendment, cruel and unusual punishment.

17. The forth time I saw Dr. Mahmood, November 29, 2012 only to receive no treatment for the symptoms he caused.

Dr. Mahmood's actions and inactions show callous disregard, deliberate indifference and wanton infliction of pain to a serious medical need that was causing pain and suffering that there was no relief for, showing him to be in violation of the 8th amendment, cruel and unusual punishment.

18. Ms. Carswell contacted Dr. Pepper Davis by inter office to inform her of my condition until January 22, 2013. I left the infirmary with no treatment for my symptoms, the appointment denied by Dr. ~~Fallhau~~ Fallhau, with callous disregard to a serious medical need, a 8th amendment violation, cruel and unusual punishment, and deliberate

indifference. Dr. Fallhowe could have put a stop to this suffering upon the first request to see Dr. Rolletson, and this and all her actions and inactions reinforce the constitutional violations.

19. February 26, 2013 Dr. Davis ordered pain medication for gout and told me I was to see another doctor soon. I was in so much pain it was driving me insane. At this time I had suffered around the clock for 240 days.

20. March 1, 2013 I saw Dr. William Rolletson. His electronic tech's attempted to adjust the pace maker Dr. Mahmood said was fine and both leads connected, and could not get a reading on the top chamber. Xrays were done that showed the lead that was suppose to be connected to the top chamber approx. 3 inches from my heart, the end loose in the main artery. Dr. Rolletson said this was the cause of my pain and suffering and that 243 days of the symptoms I was having was enough to cause any person to go insane.

Allegations

1. That the defendant's are all charged with the presumption to know the law regarding all issues of this action, and do know or should know that their actions and inactions are in violation of the 6TH, 8TH and 14 amendments of the United States Constitution and thereby have and do cause the direct and proximate injury complained of. Since the menaces enumerated herein are pervading ones left uncorrected in contempt of court specific injury need not be shown as to every claim.

2. Defendant Kelley is directly charged by statute with the health, safety and well being of all prisoners - regardless of who holds the contract to provide healthcare and are specifically charged with gathering information on prisoners care, and keeping statistics on those factors identified as pervading menaces herein, yet failed to do so or failed to correct said menaces or conditions

of care, thereby directly and proximately causing the injuries complained of.

3. Defendant's of Arizona and it's agents have a contractractual relation and owe a duty to provide adequate preventative and curative healthcare to prisoners equal to that of a free person and failed in that duty by not reasonable acting to remedy the unconstitutional non-care and remedy the incidence's of deliberate indifference and cruel and unusual punishment.

4. I allege an overt and covert conspiracy to jeopardize my health safety and well-being as a prisoner; (A) Between and among Defendant Mahmood in failing to meaningfully diagnosis and treat the symptoms that I had being caused by the pace maker he installed, primarily for the sake of medical profit; (B) The Defendant of A.D.C primarily for the sake of saving expenses and avoiding the manifold "cost" (both real and abstract) in bring under control the inadequate

unconstitutional care and diagnosis of the symptoms causing the pain and suffering I was experiencing; (c) Among the Defendant of A.D.C. and the Defendant's of Corizon and Defendant Mahmood to mutually enhance the profit of one, saving of cost's of the other; And (D) Between A.D.C., Corizon and Mahmood for unlawfully retaliating for Plaintiff seeking proper health care.

5. Plaintiff alleges that the defendant's separately and together stand in Lasa Parentis to there prisoners, Consequently, Defendant's owe an affirmative duty to properly diagnosis and treat all prisoners, where medical concerns is the earliest diagnosis, the best treatment for prolonging life, Defendant's most affirmatively act to help prisoners, despite themselves, no matter the cost.

6. Plaintiff alleges that given the prevailing problems of inadequate medical treatment, the contract between A.D.C. and Corizon in itself is an unconstitutional invidious,

and prevailing menace between it is such that the less healthcare provided, the greater the private medical profit for Mahmood and Corizon. Prisoners have suffered violation of rights and law solely because Defendant's have underestimated or short-cut healthcare demands of the prison population, sought to outbid competitors, or desire to make a commodity out of prisoners for private profit.

7. Plaintiff alleges that Defendant's act's and omissions violate a host of State laws as well and therefore pendent jurisdiction should be engaged.

8. Plaintiff alleges that the unreasonable unhealthy length of time to diagnosis and treat the symptoms caused by the pace maker, has caused further damage to His heart and rendered Him "disable" and should be intitled to the special protection and remedies of disability laws as they operate on the suite, at State and federal.

FIRST CAUSE OF ACTION

1. Plaintiff incorporate under this count, see facts and Allegations of my complaint.
2. Defendant's have each repeatedly and systematically, separately and together, remained deliberately indifferent to my serious medical need, refused adequate and obvious medical treatment repeatedly remained deliberately indifferent to grossly negligent in treating a serious medical need, and preventing it's excelleration, and direct and proximately caused a life threatening situation from the damage being done to his heart and ~~have~~ denied medical treatment, in violation of the 8th and 14th amenments, protection against cruel and unusual punishment and 42 USC 1983.
3. Defendant's owe a duty in Loco Parentis to accuse my health,

safety and welfare where I am not able to help myself, and failed in that duty.

4. Defendant's were fully aware of my serious Life-Threatening side affects caused by the pace maker installed by Defendant Mahmood, and any person with common sense knows that a pace maker does not shock, and by ignoring this serious medical need for 243 days, has caused additional damage to his heart, Defendant's deliberately with gross negligence ignoring my medical need, increased his hypertension by the stress, and this direct life-Threatening side affects whose impact has affected the very quality and duration of my life.

5. For this subjection to Cruel and unusual punishment I seek 1,000,000 dollars in compensatory and 2,000,000 dollars in punitive damages because there kind of problems are recurring.

Second Cause of Action

1. I incorporate under this count see facts and allegations of my complaint.

2. Defendant's Separately and together have conspired to directly and proximately caused my Life-Threatening damage to my heart by ignoring the symptoms caused by the pace maker, refused to give any type of diagnosis that would stop the pain and suffering occurring, retaliated against me for not silently accepting their unlawful action, in violation of the 8th and 14th amendments and 42 USC 1983.

3. Defendant's approved for me to be treated by a doctor who's only purpose was to diagnosis unnecessary treatment for profit, ignoring my complaints that this Defendant had no intention of doing, and diagnosis to stop my suffering because the expense would come out of his

own pocket. Defendant Mahmood conspired with Defendant's Carswell and Davis attempting to cover his actions and inactions, causing obvious injury and direct retaliation for my effort to stop the pain and suffering.

4. For these violations I seek the sum of 250,000 dollars compensatory and 500,000 dollars in punitive damage.

Third Cause of Action

1. I incorporate under this count see facts and allegations of my complaint.

2. The medical contract between A.D.C. and Corizon is unconstitutional because there is an inherent conflict of interest for pecuniary gain. The contract is such that the less medical service provided, the greater the monetary savings of the A.D.C. and the private profit of Corizon. Corizon is additionally caught between the choice, between

the expenses of providing healthcare to inmates as expense of profit for Carizon and its stockholders by withholding adequate healthcare. This inherent conflict of interest directly and proximately caused my injury.

3. For this violation I seek injunctive relief.

Fourth Cause of Action

1. I incorporate under this count see facts and allegations of my complaint.
2. Defendants acts and omissions are in violation of state laws.
3. I seek exercise of pendent jurisdiction.

Fifth Cause of Action

1. I incorporate under this count see facts and allegations of my complaint.
2. Defendant's continue to punish me for voicing my complaints in violation of the 1st and 14th amendments,

H2 USC 1983, and curtailed
my free speech.

3. For this violation I seek 100,000
dollars compensatory and other
relief.

IGTT430
JGD

Attachment VI

INMATE NAME: Aaron, Barry G.

ADC #: 097176

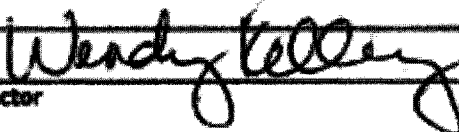
GRIEVANCE#: MX-12-02060

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On July 20, 2012, you grieved that you were placed on the infirmary ward and had no way to contact anyone if you had a heart attack because there was no intercom system. You had been seen in the ER at St. Vincent's on July 10, 2012, returned to the unit and were placed on the ward for observation. You advised Dr. Babich that you wanted to go back to your cell and he stated he would have you cuffed if necessary.

The medical department responded, "Upon return from the hospital, orders were given to monitor closely, therefore you were placed on the ward. Orders for daily EKG and Vital signs were given and carried out daily. You state that your life was put in jeopardy due to there not being a call light in the cell. You were placed in the infirmary cell so that you could be monitored closely. You state that you could have had a heart attack due to none being able to hear you. This is an anticipated event (an event that may or may not occur) and per grievance policy will not be addressed. Because you were placed on the infirmary ward, monitored closely and all Dr's orders were carried out, I find this grievance to be without merit."

The portion you wrote below the signature lines for your appeal is not part of the appeal. You must write in the designated space according to policy. However, upon investigation, the intercom system was not working and will be fixed. You are not allowed to grieve anticipated events, and you were not harmed. Thank you for bringing this to my attention; however, your appeal is without merit as it does not comply with the grievance policy.


Director

10/17/12
Date

IGTT430
3GD

Attachment VI

INMATE NAME: Aaron, Barry G.

ADC #: 097176

GRIEVANCE#:MX-12-02099

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On July 26, 2012, you grieved that you were seen by Nurse Woods on July 24, 2012 and he advised you that Mrs. Carswell stated that the shocks you were feeling from your pace maker were normal. You state that Mrs. Carswell was not at the unit during the time you saw Nurse Woods; therefore, he lied about consulting with her regarding your condition. You state that your pace maker is malfunctioning and you need to see a doctor.

The medical department responded, "On 07/24/2012, you were evaluated by Nurse Woods. After discussing your symptoms with you, He discussed the situation with Mrs Carswell who stated that this normal activity of your pacemaker. You were seen again by APN Carswell on 08/21/2012 for the same complaint and after assessing you again this condition was determined to be abnormal, therefore a consult was scheduled for you. We apologize for the inconvenience this has caused, and I find this grievance to be with merit but resolved as you are scheduled to be evaluated offsite."

Your appeal states that you advised Mrs. Carswell when you were released from the ward on July 19, 2012 that your pace maker was malfunctioning and she advised that it was normal. You state that you tried to see Mrs. Carswell every time you had your blood pressure checked. You state that on August 28, 2012, Dr. Mahmood turned your pace maker down, but you are still experiencing the same symptoms just on a weaker scale. You state that the problem with the pace maker needs to be corrected or the pace maker needs to be removed.

On July 16, 2012, Mrs. Carswell noted that you went to Dr. Mahmood this day, he adjusted your pace maker and recommended a three month follow up. She also noted that you reported that you were feeling better. On July 19, 2012, Mrs. Carswell noted that you were complaining of your pace maker shocking you and that she would check to see if it needed further adjustment. There is not a sick call encounter documented in your electronic medical record for July 24, 2012 regarding complaints of your pace maker. You were seen by Mrs. Carswell on August 21, 2012 for complaints of your pace maker shocking you and she noted that while she was assessing you, her hand was on your shoulder and her hand was shocked. Mrs. Carswell noted that you needed to be scheduled with Dr. Mahmood ASAP. On August 28, 2012, Dr. Mahmood adjusted your pace maker and recommended a follow up in six months. On September 13, 2012, Mrs. Carswell noted that Dr. Mahmood recommended Gabapentin to help reduce the perception of the shock from your pace maker, the pace maker is set at a very low setting and that Dr. Mahmood does not want to adjust it down because the voltage may be too low to initiate heart beat and to follow up in his office if the Gabapentin doesn't work. Mrs. Carswell noted that you did not want to take the Gabapentin due to it altering your consciousness and that you wanted to do a stress test with and without the pace maker. Mrs. Carswell did not order the Gabapentin for you. You were seen in sick call on October 2, 2012 with complaints that your pace maker was malfunctioning and the nurse referred you to the provider. You were seen by Dr. Schock on October 10, and in chronic care October 11, and you have an appointment pending with Dr. Mahmood.

Your appeal is without merit.



Director

Date

10/17/12

IGT430
3GD

Attachment VI

INMATE NAME: Aaron, Barry G.

ADC #: 097176

GRIEVANCE#: MX-12-02284

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On August 13, 2012, you grieved that your pace maker is malfunctioning. You state that you can feel the shocks from your pace maker. You state that the doctors at UAMS said that you did not need a pace maker, but Dr. Mahmood thought you did need one and now you're having to suffer from it.

The medical department responded, "You were seen by the APN on 08/21/2012 regarding your medical complaint, and referred back to UAMS for evaluation of pacemaker. You were seen on this appointment on 08/29/2012 at which time your pacemaker was adjusted and you were ordered to follow up in 6 months. Your follow up has been documented. Because your medical issue was addressed and continues to be followed, I find this grievance to be without merit."

Your appeal states that you need to see Dr. Ambragini because she is one of the doctors who stated that you did not need a pace maker. You state that you continue to feel the shocks and Dr. Mahmood is not correcting the problem.

Inmates do not get to choose their providers. You have an appointment pending with Dr. Mahmood and you should discuss the need for a pace maker with him. Your treatment is determined by licensed professionals and your concerns need to be discussed with them.

Your appeal is without merit.

Wendy Kelley
Director

10/17/12
Date